

REMARKS

Claim Summary

Claims 6, 7, 9-24, 47-54, 67-69, 73, and 74 are pending in this patent application. Claims 6, 7, 9-24, 47, 49, 50, 53, 54, and 67-69 are amended. Claims 55-66, 70, and 71 are newly canceled. Claims 73 and 74 are newly added. Applicants respectfully submit that no new matter has been added by way of the amendments.

Claims 6, 7, 9-13, 15-19, 22-24, 47, 49, 50, 53, 54, and 67-69 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Pat. App. Pub. No. 2003/0027639 to Peterson et al. (hereinafter “Peterson”) in view of U.S. Pat. App. Pub. No. 2003/0003988 to Walker et al. (hereinafter “Walker”). Claims 20 and 21 stand rejected under 35 U.S.C. §103(a) over Peterson in view of Walker and further in view of U.S. Pat. No. 6,638,170 to Crumby (hereinafter “Crumby”).

Amendments

The claims have been amended, although Applicants respectfully submit that these amendments were primarily made for readability and stylistic reasons and were not necessitated by the cited references. Applicants respectfully submit that no new matter was introduced by way of the amendments. Two new independent claims have also been added in the form of a software method claim and a server claim.

The Office Action’s “Response to Arguments” Section

The Office Action responded to Applicants’ contention that neither Peterson nor Walker disclose “said casino gaming server determines during the wait state whether a signal indicating a non-selection of said casino gaming server is received within a predetermined period time of the wait state” by noting that Peterson discloses utilizing the TCP/IP protocol and that such a protocol “inherently terminates a connection upon determining that information sent is not received within a predetermined period of time (i.e., a signal indicating that the server had not been selected within a predetermined

period of time of the wait state).” Applicants note that claim 6, in relevant part, has been amended to read “wherein said casino gaming server of said one or more of said casino gaming servers is configured to terminate said communications connection with said casino gaming machine when said signal requesting that one or more of said downloadable casino games be provided is not received by said casino gaming server within a predetermined wait period.”

Applicants note that TCP provides for the monitoring of sent data to see if the sent data is received by the recipient (the IP component of TCP/IP deals with how data is packaged and addressed; it does not govern the mechanics of transporting the data—thus, discussion herein focuses on TCP only). A machine receiving sent data via TCP sends an acknowledgment (ACK) message back to the sender in response to receiving the data; the ACK message tells the sender how much of the sent data the receiving machine has successfully received and reassembled. When the sender does not receive an expected ACK message within a certain time window, a “timeout” occurs. Based on the timeout, the sender may then retransmit certain data packets which appear to have been lost by the receiving party and/or adjust sent data packet parameters, such as packet size, transmission speed, etc., to ensure that reliable transmission of data occurs.

Implementations of TCP also may provide for a global timeout window wherein the TCP connection is terminated if no ACK messages are received indicating that sent data was received by the recipient within the global timeout window. However, TCP global timeout mechanism is triggered when the *sending* machine does not receive an acknowledgement that a *packet sent by the sending machine is received* by the receiving machine *within the global timeout window*. If the “sending” machine is not sending a packet, there will be no expected acknowledgement and thus no global timeout window triggered.

By contrast, the communications connection of claim 6 is terminated by the casino gaming server in response to the non-receipt of a signal within a predetermined time period requesting that one or more of the downloadable casino games be provided by the casino gaming server. The signal of claim 6 is completely different from the ACK signal of TCP. ACK is sent in direct response to receiving a packet and confirms that the

packet is received. The ACK signal is not sent by the recipient absent a triggering packet sent from the sender. The sending machine knows to expect the ACK signal because the sending machine knows that it has sent a packet which, if received, will result in the ACK signal. By contrast, the signal of claim 6 is a request that one or more downloadable casino games be provided by the casino gaming server. Such a signal is triggered by a selection made via the casino gaming machine and is not triggered as an acknowledgement of receiving a data packet from the casino gaming server.

Furthermore, the TCP termination behavior raised by the Office Action refers to actions that the TCP protocol takes to terminate a TCP connection when the connection is incapable of supporting TCP communications. By contrast, the system of claim 6 is capable of terminating a communication connection *even when the communication connection is still perfectly capable of supporting communications*.

Applicants therefore respectfully submit that TCP does not inherently teach the termination feature recited in claim 6, and respectfully request the withdrawal of the 35 U.S.C. §103(a) rejections relying on the interpretation of TCP addressed earlier in this response.

35 U.S.C. §103(a) Rejection of the Claims

The Office Action rejected the claims under 35 U.S.C. §103(a) over Peterson in view of Walker and, in some cases, further in view of Crumby. Applicants traverse these rejections for substantially the same reasons as previously presented. To wit, the cited references fail to teach “wherein each casino gaming server of said plurality of casino gaming servers are configured to terminate said communications connection with said casino gaming machine if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period” or the like.

Applicants respectfully submit, for the reasons presented above in response to the *Response to Arguments* section of the Office Action, the cited references still fail to teach the above element of Applicants’ claims despite teaching the use of TCP/IP. Applicants

therefore respectfully request that the 35 U.S.C. §103(a) rejections be withdrawn.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGTIP213/P000657-001).

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Christian D. Scholz/
Christian D. Scholz
Registration No. 58,024

/Reginald J. Suyat/
Reginald J. Suyat
Registration No. 28,172

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100